The Normative Creature: Toward a Practice-Based Account of Normativity

Author(s): Roberto Frega

Source: *Social Theory and Practice*, January 2014, Vol. 40, No. 1 (January 2014), pp. 1–27

Published by: Florida State University Department of Philosophy

Stable URL: https://www.jstor.org/stable/24332261

JSTOR

The Normative Creature: Toward a Practice-Based Account of Normativity

Roberto Frega

Abstract: In this paper I offer a first account of a practice-based conception of normativity for the political domain. This standpoint is used to relocate the most sophisticated normative practices of justification and critique within an experience-based framework, that of the human being as a "normative creature." I begin by discussing the two major paradigms in political theory, showing that their neglect of this broad framework of normativity is a serious drawback. I then proceed to articulate the central elements of a practice-based account of normativity: the notions of normative practices and normative orders, and an account of the rationality potential of normativity as practice.

Keywords: social practices; pragmatism; normativity; normative creature; John Dewey

1. The Inescapable Normative Dimension of Politics

Normativity is one of the core features of human social life and one that distinguishes humans from any other animal species: that we control our behavior through norms and values that we design and modify is one of the salient adaptive competences of the human species. Differently put, our living together presupposes the capacity to fix norms of conduct as well as that of revising them once they come to stand in the way of our social undertakings. Our constant talk of correct and incorrect, good and bad, rational and irrational, right and wrong, valid and invalid, marks clearly our everyday involvement with normativity. What I call "normativity" is inseparable from—although not identical with—this capacity, exclusive to human beings,[1] to set and revise norms of conduct, to balance the power of instincts with the self-control of our critical capacities. This self-critical attitude is tied to the ability to distinguish right from wrong. Human beings, unlike all other living creatures, not only perceive what is being done to them, but are capable of evaluating it against an idea of what they take to be the right or just way to behave. This is unique to our species, and this is why in this paper I refer to human beings as

---

[1]There have been discussions about whether animals can make normative commitments. Overall conclusions have been more than skeptical. I do not tackle this issue here.

normative creatures. Our attitudes toward norms—and more generally toward what I propose calling "normative orders"—provide the social and anthropological background of that distinct type of intellectual enterprise that is normative theory; it legitimates our manifold attempts at juxtaposing descriptive/empirical accounts to normative accounts of our ways of being in the world—dealing with others, making decisions, and acting.

This anthropological and social priority of the normative explains why political philosophy cannot escape the question of the legitimacy and validity of the bases on which our social life is seated. At the same time, the emphasis on the natural and social dimensions of normativity explains why we should resist the excessive over-intellectualization through which political theory has reduced the normative to the realm of norms. In what follows, I intend to show that the political relevance of normativity can be properly understood only within the context of what it means for a normative creature to be in a social world. This is in contrast with seeing it as being mainly concerned with the justification of institutions, social emancipation, or the struggle for power. As I will argue in what follows, to understand political philosophy in this way, we need to distance ourselves from some of our most consolidated intellectual traditions in political theory. Doing this, I suggest, will require that we replace our usual concern with norms and institutions with a broader concern for what in this paper I will term "normative orders" and "normative practices."

As a preliminary sketch, normative orders denote the framework within which social life is produced and reproduced, and normative practices denote the manifold ways of doing and saying through which each part of a normative order can be made the object of a specific concern. They identify the basic ingredients of normative theory. In looking back at the tremendous amount of normative reflection spanning the last four or five decades of political philosophy, however, one may be left with the impression of a consistent and often excessive simplification of how "the normative" permeates and orients social life. One has to think, in particular, of the way mainstream political philosophy has conceived its role under the two symmetrical forms of a reduction of normativity to the normative practices of justification and critique, then attempting, each in its own way, to recover the other as an instance of the same: liberalism, by showing that justification is the basis of criticism, and Critical Theory, by showing that criticism may lead to justified social and political conditions.

Over the past three decades, an increasing number of voices have expressed dissatisfaction with these two strategies, notably from the fields

of neo-Marxian theory, neo-foucauldian studies, and what has lately been called "affect theory." What is emerging from these quarters of political philosophy is the awareness of the need for radical reconsideration of the theoretical framework within which the question of the conditions of possibility and legitimacy of the different normative practices can be asked. These approaches, however, have generally ended up with an overall rejection of the claims of reason, whether to replace it with habits, traditions, power, economic determinations, or affects, or with other nonrational instances invoked as the "proper" explanations for the genesis and functioning of normative orders. Their theoretical differences notwithstanding, all these approaches take the concern for normativity to be misguided and insist that we turn our gaze to the non-normative factors whose play determines what at a given time we take to be legitimate. On these views, the normative is simply expelled from the horizon of political reflection, reduced to an epiphenomenon to be explained with the tools of the social sciences. While relying on an often accurate diagnosis of the deficiency of the standard accounts, these approaches nevertheless arrive at the wrong solution, a solution that, as it were, throws the baby out with the bathwater, putting normativity outside the scope of political discourses and practices.

It should also be noted that in the last two decades a vast ensemble of theorists engaged in gender and race theory and more generally in what has been labeled "intersectionality" have correctly pointed out that justification and critique are but the tip of the much vaster iceberg that is normativity. Scholars in these fields have shown that most of the normative work through which social order is maintained and legitimized is being done in ways that are often tacit, as it is performed at the level of shared routines, unconscious habits, and ways of doing and speaking that social agents take for granted. Contrary to the neo-Marxian, neo-foucauldian, and affect-based approaches recalled above, these attempts have been more careful to avoid the reduction of the normative to the non-normative. Works in gender and race theory and more broadly in the now vast domain of "intersectional studies" show a feature of our normative constitution that has traditionally been neglected by mainstream social philosophy. While these criticisms have been effective in terms of specific political advocacy, their implications for a general account of normativity remain conceptually opaque.

The account I propose in what follows stems from a dissatisfaction with the liberal as well as the critical strategies, and calls for a more encompassing account, one that is capable of taking the best these approaches can offer while avoiding any temptation to reduce our normative stance to one or another exclusive explanatory factor. My claim is

that to regain a more complete perspective on normativity, which is needed if we wish to preserve its core intuition while countering the anti-rational drift of neo-Marxian, neo-foucauldian, and other reductivist approaches, we must reach a broader view of the normative than the one implicit in contemporary political theory. In what follows, I will outline the traits of an account of normativity that I take to be more encompassing and satisfying than the one that emerges out of the dualistic pictures sketched above. Out of this account, justification and critique will be neither glorified nor dismissed, but rather appraised as distinct, irreducible, precious, and yet by no means exclusive kinds of normative practices—practices in which we engage when our world becomes troublesome and parts of our normative orders falter. In this article, I provide a first sketch of the conditions of possibility of a general examination of normativity as the operating mode of social orders as well as a first analytical definition of the two central concepts of such an approach:[2] the concept of normative practice and the concept of normative order, with the additional concepts of "account-giving" and "performing" normative practices. What I am presenting to the reader is therefore a preliminary study aimed at developing a new vocabulary for dealing with the central issue of normativity from a post-liberal as well as post-critical perspective. I am persuaded that such a reflection will prove useful in allowing the theoretical matrix to emerge that has made possible the dispersion of the main currents of contemporary political philosophy, while also providing an explanatory framework that can account for their dispersion, as well as normative standards for assessing their respective strengths and weaknesses.

The article proceeds as follows. I begin by discussing the two mainstream accounts of political normativity—the liberal and the critical—to show how their neglect of this broad framework of normativity is a serious drawback. I then proceed to articulate the central elements of a practice-based account of normativity: the notions of normative practices and normative orders. I then go on to distinguish two types of normative practice in a way intended to accommodate the contrasting and unavoid-

---

[2]This attempt has sometimes been described as a socialization of reason. The primacy of practices that I advocate is indeed a way to underline the intrinsic sociality of reason, that is to say, the inescapable dependence of our rational ways of accounting on socially situated normative sources. See Terry Pinkard, *Hegel's Phenomenology: The Sociality of Reason* (Cambridge: Cambridge University Press, 1994), and more recently, Axel Honneth, *Das Recht der Freiheit: Grundriss einer demokratischen Sittlichkeit* (Frankfurt am Main: Suhrkamp, 2011), both advocating Hegel as the main source for such an approach. As will become clear, my understanding of the social dimension of rationality has different origins, as it stems from the pragmatist tradition, integrated with works from ordinary language philosophy, ethnomethodology, and the social theory of practices.

able requirements of legitimacy and performativity that together com-
pose normativity, and show some of their implications for rethinking the
political.

2. Some Problems in Contemporary Normative Theory

Political theory, especially in the Anglo-American world, seems to be
captive to a philosophical image that has its origins in a distant past. This
image is of human beings as justificatory creatures, that is, creatures that
are essentially defined by their ability to justify and to ask for justifica-
tions. This image recapitulates the whole Kantian tradition in moral and
political thought and defines the theoretical framework of mainstream
moral and political philosophy, within and outside of the Anglo-
American world. My position is that this image represents a distorted
account of the nature of normativity, and of the place that normativity
occupies within human experience and social practices. It operates as a
distorting mirror that distracts us from our nature as normative creatures.

As with many such powerful images, this encompasses a powerful
and true intuition, which is to say, the idea of human beings as normative
creatures. Yet the image distorts the idea, reducing our attitude toward
normativity—our normative stance—to a single dimension, that of justi-
fication. While the justificatory turn had already begun with Kant and his
philosophical program of a transcendental philosophy aimed at establish-
ing the conditions of possibility for the use of reason, it is only much
more recently, with the neo-Kantian turn in political philosophy, that this
program has unfolded all its philosophical implications. With John Rawls
in particular, justification became the overarching goal of moral and po-
litical theory, and, in the apt phrase of Gerald Gaus, political theory un-
derwent a *justificatory turn*.[3] In Rawls's view, the aim of moral and po-
litical philosophy is to offer theoretical justifications of given normative
orders and institutions. By offering theoretical accounts that justify them,
Rawls contends, we provide them with the legitimation they require to
rule our lives. Justification is the central normative practice, because by
justifying a normative order or institution we increase its legitimacy and
enhance its value. The justificatory conception of normativity aims to
reconstruct the whole edifice of morality and politics upon the intuition
that as human beings we are originally committed to a "right to justifica-
tion."[4] According to this view, what qualifies us as human beings is that
we are endowed with an inalienable *right to justification*, according to

---

[3]Gerald F. Gaus, *Justificatory Liberalism* (Oxford: Oxford University Press, 1996).
[4]Rainer Forst, *The Right to Justification* (New York: Columbia University Press, 2011).

which we should achieve a proper justification for any action or decision whose consequences may affect our life. Correspondingly, each of us has a symmetrical *duty to justification*, that is, an obligation to justify to his fellow human beings those decisions or acts that may have consequences upon their lives. By proposing to take a critical distance toward the practice of justification, I do not mean to deny that the fact that we can take the dual roles of authors and addressees of justifications,[5] or that we inhabit a space of reasons,[6] constitute essential dimensions of our normative stance. On the contrary, in what follows I will insist on the central importance of practices of justification in the shaping of the normative ideas through which social life is oriented and organized, and in the shaping of legitimate ends for agents. I will, however, try to take seriously the idea that justification denotes a social practice rather than a purely intellectual undertaking, and discuss the implication of this assumption for normative theory.

The second image that I want to evoke is that of *critique* as a competing, alternative, and mutually exclusive paradigm of normative practice, one that should replace justification in providing the idealized model of the practice of political and social theorists as well as of ordinary citizens. It is an image that stands in symmetrical opposition to the justificatory conception of normativity developed by mainstream normative theory. If the genealogy of the justificatory paradigm goes back to Kant, that of critique stems directly from Hegel and from the left Hegelians.[7] Critical theorists of any stripe have traditionally conceived of the goal of human intellectual undertakings as consisting in criticizing existing normative orders to the extent that they are conducive to forms of human suffering. To be effective, this type of critique must be rooted in a normative account that is independent from critique itself; it must get hold of a normative independent standpoint, a normative source it can discover in the texture of pre-theoretical reality. Jürgen Habermas's ideal of an undistorted communicative rationality or Axel Honneth's concept of a respectful society exemplify the type of normative source that is required

---

[5]See Forst, *The Right to Justification*.

[6]See Wilfrid Sellars, "Empiricism and the Philosophy of Mind," *Minnesota Studies in the Philosophy of Science* 1 (1956): 253-329.

[7]This is a rather standard reading within the philosophical tradition of Critical Theory, for which see especially: Max Horkheimer, "Traditional and Critical Theory," in *Critical Theory: Selected Essays* (New York: Continuum, 2002), pp. 188-243; Axel Honneth, *The Pathologies of Individual Freedom: Hegel's Social Theory* (Princeton: Princeton University Press, 2010), and *Pathologies of Reason: On the Legacy of Critical Theory* (New York: Columbia University Press, 2009). For other readings that similarly trace Critical Theory to Hegel, see Andrew Buchwalter, "Hegel, Marx, and the Concept of Immanent Critique," *Journal of the History of Philosophy* 29 (1991): 253-79, and Steven B. Smith, "Hegel's Idea of a Critical Theory," *Political Theory* 15 (1987): 99-126.

to engage in critique.[8] Such an attitude is fostered by a sense of inadequacy toward the justificatory program, which according to critical theorists focuses too narrowly on conditions of justice without taking sufficiently into account the pathological consequences that characterize modern forms of life. The critical tradition takes upon itself the denunciation and unmasking of those aspects of modern society—and notably of the capitalist society that emerges out of modernity—that produce human suffering, and the duty to denounce distorted, alienated, pathological, or reifying social situations.[9] Under the assumption of a constitutively pathological dimension of modern society, Critical Theory is set on the normative program of unveiling and criticizing the social distortions that affect existing forms of life. In this way, the priority of a critical stance toward normative orders is assumed from the start, not derived from specific analyses of given social situations. Whereas for the representatives of the justificatory turn it was justification that received pride of place as the central and defining feature of our normative constitution, for critical theorists it is critique that now provides the paradigmatic type of normative practice.

Their theoretical and normative differences notwithstanding, these philosophical positions share a bias toward normativity: they both take for granted the privilege and priority of a single normative practice over

---

[8]In Axel Honneth, "On Markets and Morals," *Divinatio* 33 (2011): 39-56, and Martin Hartmann and Axel Honneth, "Paradoxes of Capitalism," *Constellations* 13 (2006): pp. 41-58, Honneth has indicated some of the theoretical problems this approach raises when key notions such as that of freedom are resignified by capitalism, threatening the normative basis of critique. See also Nancy Fraser, "Feminism, Capitalism, and the Cunning of History," *New Left Review* 56 (March/April 2009). I thank Rocio Zambrana for pointing out these references. For a recent and updated assertion of the priority of critique over other normative practices within the tradition of Critical Theory, see the contributions in Rahel Jaeggi and Tilo Wesche (eds.), *Was ist Kritik?* (Frankfurt am Main: Suhrkamp, 2009). Recent systematic attempts at reinterpreting (and reducing) normative theory as a critical undertaking include: Luc Boltanski, *De la critique* (Paris: Gallimard, 2009); Robin Celikates, *Kritik als soziale Praxis* (Frankfurt am Main: Campus Verlag, 2009); Titus Stahl, *Immanente Kritik: Elemente einer Theorie sozialer Praktiken* (Frankfurt am Main: Campus Verlag, 2013); Rahel Jaeggi and Daniel Loick (eds.), *Nach Marx: Philosophie, Kritik, Praxis* (Frankfurt am Main: Suhrkamp, 2013).

[9]One has only to refer to Honneth's various attempts to define what he takes to be the core of this tradition: "through all their disparateness of method and object, the various authors of the Frankfurt School are united in the idea that the living conditions of modern capitalist societies produce social practices, attitudes, or personality structures that result in a pathological deformation of our capacities for reason. It is this theme that establishes the unity of Critical Theory in the plurality of its voices. As heterogeneous as the works bound to it may be, they always aim at exploring the social causes of a pathology of human rationality" (Honneth, *Pathologies of Reason*, p. vii). Methodologically, the unity consists of a program systematically aimed at "regarding the living conditions of our societies as causes of a possible deformation of reason."

all others, and set normative theory on its path. The two forms of reduction are symmetrical. Although criticism and justification are essential practices that we perform in the ongoing dealings with normative orders that texture social life—be it at the discursive level of public advocacy or within our ordinary experience—from the perspective adopted in this paper, none of them deserves the exclusive function it is endowed with in one or other of the trends of mainstream normative theory. Indeed, neither the justificatory nor the critical program pays the necessary attention to the full array of normative attitudes that characterize our dealings with normative orders. They both neglect the rich variety of patterns that justification and critique display in the public and social spheres as well as the tacit and pre-reflective dimension of our normative engagement with the social world. But they neglect, too, the importance of those reconstructive normative practices through which human beings engage with their fellow citizens and their society with a variety of aims hardly reducible to those of justifying or criticizing.

3. Toward a Broader View of the Normative

Seen from outside, mainstream political philosophy seems therefore to be dominated by an over-emphasis on normativity as a specialized, technical, formal, and discursive practice that takes the form of either justification or critique. Why is such an account unsatisfying? First of all, because it renders invisible the normative potential of a variety of normative practices that only with great loss can be reduced to practices of justification or critique in the sense in which political liberalism and Critical Theory define them. This picture gives the false idea that the main task of political philosophy and social theory would consist in criticizing or justifying existing normative orders; and in so doing, it hides other central functions of normative practices, such as those of repairing and maintaining existing normative orders, taking care of them,[10] or producing their practical transformation.

My account of normativity as the dynamic interaction between normative orders and normative practices is designed to be broad enough to encompass all these different approaches, in a way that will help us to

---

[10]In the precise sense of the ethics of care considered from a normative perspective, according to which "[i]n the most general sense, care is a species of activity that includes everything that we do to maintain, continue, and repair our world so that we can live in it as well as possible." Berenice Fisher and Joan Tronto, "Toward a Feminist Theory of Caring," in Emily K. Abel and Margaret K. Nelson (eds.), *Circles of Care: Work and Identity in Women's Lives* (Albany: State University of New York Press, 1990), chap. 2, p. 40.

see them as complementary, irreducible, and indispensable dimensions of the public sphere. It indicates how this justificatory and critical turn can be overcome while preserving the autonomy of the normative. My assumption is that pragmatism broadly construed provides a promising starting point to begin developing such a paradigm, and that J.L. Austin's theory of linguistic acts, ethnomethodology, and Erving Goffman's social theories provide additional benefits for understanding normativity in this perspective.[11] Two traits characterize this approach.[12] The first consists in reclaiming, against hyperidealistic conceptions of normativity, the continuity between the reflective and the nonreflective dimensions of normative practices and between ordinary and specialized normative practices. This move is necessary if we want to appreciate the moral and political importance of all these ways of addressing normative orders that do not rely on formalized procedures of exchange of reasons. The second trait consists in acknowledging that the plurality of normative reflective practices in which agents engage is not captured by the dualism of justification and critique. This move is required to enlarge our understanding of the rationality potential of normative practices and to make visible and legitimate a wide array of normative undertakings. Combined, these strategies produce a twofold downsizing of the priority of justification and/or critique. First, they show that being *reflective* normative practices, justification and critique fail to account for the whole domain of normativity, which encompasses both reflective and nonreflective dimensions. Second, they show that even within the domain of reflective practices, justification and critique are but two among a plurality of types of normative practices.

Each in its own way, these approaches articulate the idea that normativity is embedded within everyday life as one of its constitutive and irreducible traits. They show that the human being is a normative creature in the sense that a critical capacity for justification, critique, and the other normative practices is a necessary ingredient of our human constitution. Human agents engage incessantly in normative practices, and the normative orders that govern our life are the constant object of practices of revision, adjustment, criticism, justification, reparation. Sometimes these

---

[11]See in particular Erving Goffman, *Interaction Rituals* (New York: Pantheon, 1967). See Sandra Laugier, "La vulnérabilité de l'ordinaire. Goffman lecteur d'Austin," in Daniel Cefaï and Laurent Perreau (eds.), *Erving Goffman et l'ordre de l'interaction* (Paris: Presses Universitaires de France, 2012), pp. 341-71, for an analysis of the parallels between Goffman's and Austin's views of normativity as a repairing practice that surfaces in the social practice of excuses.

[12]I have presented this approach in greater detail in Roberto Frega, *Practice, Judgment, and the Challenge of Moral and Political Disagreement: A Pragmatist Account* (Lanham, Md.: Lexington Books, 2012). Here I provide only a brief sketch.

practices are perceived as being legitimate, sometimes not. In this way, an attitude toward accountability of our normative stances is built into the fabric of social life, as a necessary precondition for the success of any form of social intercourse, from the most simple forms of social interaction—such as standing in line[13]—to the most complex forms of institutional normative governance—such as in political and legal practices. At the same time, these approaches converge in showing that the central function of normative practices is neither the justification nor the critique of given normative orders, but rather their maintenance, adjustment, and reparation in the face of local challenges. All of them, then, help us see the normative specialized practices of explicit and formalized critique and justification as evolved and sophisticated versions of these everyday forms of cooperative social interaction aimed at the furtherance of the social order on which social life relies.

The relationships between practice and normativity have been the object of sustained philosophical interest at least since Wittgenstein's remarks on "rule following," and recently in the "social theory of practices" approach.[14] While in referring to "normative practice" I will have this debate in the background, my use of this expression differs from current ones in that it introduces a distinction some would consider spurious between two dimensions of normativity. On the one hand, along with these authors I agree that normativity is a defining and constituent feature of each and every social practice.[15] In this sense, there cannot be social practices without normativity, as every social practice as such is inseparable from the ongoing revision of its normative constitution—something the ethnomethodological literature defines as the constitutive dimension of social order,[16] and pragmatism as the self-reflective nature

---

[13]Queuing is one of ethnomethodologists' preferred examples of social practices.

[14]Steven Turner, *The Social Theory of Practices* (Cambridge: Cambridge University Press, 1994), and *Explaining the Normative* (Cambridge: Polity Press, 2010), has strongly criticized present and past attempts at making use of the concept of practice or social practice to explain normativity. His criticism, as Joseph Rouse has clearly explained ("Social Practices and Normativity," *Philosophy of the Social Sciences* 37 (2007): 37-46), holds only for causal approaches that invoke practices as a causal explanation of normative behavior, which is clearly not the approach I propose here. I discuss in further detail the different avenues of the social theory of practices with respect to a practice-based and society-centered approach to normativity in Roberto Frega, "The Practice-Based Approach to Normativity of Frederick Will," *Transactions of the C.S. Peirce Society* 48 (2013): 483-511, and more extensively in Roberto Frega, "Between Pragmatism and Critical Theory: Social Philosophy Today," *Human Studies* 37 (2014): 1-26, dx.doi.org/ 10.1007/s10746-013-9290-0.

[15]On this point, see in particular Rouse's version of the social theory of practices in "Social Practices and Normativity."

[16]Anne W. Rawls, "Social Order as Moral Order," in Steven Hitlin and Stephen Vaisey (eds.), *Handbook of the Sociology of Morality* (New York: Springer, 2010), chap. 6.

of practices. On the other hand, my aim is to emphasize a distinctive feature of a subset of social practices I call normative, which is their exclusive or nearly exclusive concern with norms, values, and other elements composing the normative orders of the political. This second perspective, which is needed to downplay the emphasis of political theory on justification and critique to show their practical constitution, explains in what sense we can say that some social practices have a privileged relation to normativity.

Emphasizing the continuity between the tacit and the explicit dimensions of the normative exposes us, however, to a paradox that the notion of normative practices is called on to solve: how can normativity be at the same time embedded in tacit social structures and remain open to a duty of accountability? If normative orders are produced and reproduced through practices that escape the domain of theoretical justification and critique, as is the case with unconscious habits, practices of geographical segregation, or rhetorical figures, how are we to account for the autonomy of the normative? How can we explain the difference between regularity or causality and normativity without falling back on idealist assumptions? This paradox of normativity explains why it is so difficult to steer a via media between the idealistic temptations of justificatory approaches and realistic or reductionistic countersolutions. Rethinking normativity between Kant and Marx, or between Rawls and Foucault, requires that we take seriously the claim to accountability that is implicit in normativity and the opacity and resistance that belong to practices. In other words, we need to be able to account for the "immanent transcending" force of normativity, which I explain in terms of a dynamical interplay between normative orders and normative practices. On this view, orders and practices are dialectical moments rather than ontological constituents of the social world. The next two sections are devoted to a lengthy explanation of the twin notions of "normative orders" and "normative practices" and to the defense of this view of normativity as the dynamical interaction between normative orders and practices.

4. The Mangles of Normative Orders[17]

I now turn to the distinction between orders and practices with two theoretical aims in mind. The first aim is the displacement of normative theory from norms to practices: as I have indicated above, considering cri-

---

[17]The word "mangle" is used here to signify an interaction of elements that are ontologically heterogeneous. For a similar use, see Andrew Pickering's concept of a "mangle of practice," in *The Mangle of Practice: Time, Agency, and Science* (Chicago: University of Chicago Press, 1995).

tique and justification as social practices, we can more easily emphasize their practice-oriented nature: we engage in justification and critique as social practices aimed at producing normative results. This fact, which has been emphasized by, for example, Luc Boltanski and Laurent Thévenot's "folk" theories of justification and critique,[18] has important political implications that have so far been neglected. The second aim consists in emphasizing the functional connection between distinctive dimensions of a normative order and the appropriate kind of activity that is required to tackle them. On this view, a practice is something that is being done for the purpose of obtaining a practical result. This view invites seeing critique, justification, and other normative practices as moves in a normative game, moves whose legitimacy is also a matter of felicity and infelicity—in a truly Austinian sense—which in the last resort depends upon their pertinence as appropriate actions to be accomplished with respect to specific goals that are relative to given problematic situations. The distinction between practices and orders is in this sense functional. Although it is certainly true that the existence of normative orders depends upon the successful accomplishment of social activities, my emphasis here is on the intentional dimension of practices as clusters of activities undertaken for the sake of managing—preserving, criticizing, adapting, repairing, justifying, expanding, and so on—a given normative order.[19] An important corollary of this account of normativity is in fact that normative work is being produced by an extremely diversified range of practices, of which only a small portion take the shape of explicit discourses and formal institutions.

Normative orders denote the heterogeneous mangles of the elements that simultaneously constrain and enable a given form of social life.[20] The notion of normative orders is introduced to take stock of the evidence—often neglected in normative theory—that the governance of society is granted neither merely by orders of justification made out of explicit norms and formal institutions nor by sheer violence in its manifold guises, but rather by heterogeneous mangles of irreducibly different types of normative entities. As a consequence, any theory assuming that we

---

[18]Luc Boltanski and Laurent Thévenot, *On Justification: Economies of Worth*, trans. Catherine Porter (Princeton: Princeton University Press, 2006).

[19]As a reviewer has rightly remarked, I incorporate in my notion of normative orders what several authors in the practice-theoretical literature regard as practices. Although I am aware of the potentially confusing effects of this choice, I have adopted it in light of its usefulness in expanding the concept of normativity from traditional hypercognitive accounts in a way that preserves its epistemic dimension. My aim here is to enlarge standard accounts of justification and critique rather than to reject these notions.

[20]On normative orders as being simultaneously enabling and constraining, see, for example, Anthony Giddens, *The Constitution of Society* (Cambridge: Polity Press, 1984).

could or should express our normative concerns only through discursive formal normative practices provides but an incomplete account of normativity. Indeed, the very heterogeneity of normative orders requires and legitimates that they be faced in a plurality of ways. Normative orders are composed of a plurality of diverse and heterogeneous elements, whose local and constant adjustment takes place through a plurality of different normative practices. Normative orders are socially and individually embodied in tacit and explicit orientations, institutional arrangements, artifacts. An important feature of the concept of normative order is that it rejects the dualism between the individual and the social: normative orders operate at the social as well as the individual level. Similarly, normative orders are indifferent to the distinction between the tacit and the explicit. A short list of the main kind of entities composing a normative order will give an approximate idea of the breadth that should be expected at the level of normative practices.

Norms and principles. These provide the first category of normative entities. All types of discursive formal elements that provide explicit normative guidance and whose main distinguishing trait is to be conceptual belong to this category. Any society with a legal system finds in law its most achieved and formalized type of normative order.

Institutions. These constitute a typical form of material embodiment through which a normative order is instantiated and produces social order. Norms, values, and principles as well as institutions constitute the standard material out of which political philosophy defines normative orders. They constitute the explicit dimension of normativity and provide the preferred target for normative practices of justification and critique.

Rites and other forms of spatial and temporal organization. Rites, as shown by, among others, Émile Durkheim[21] and restated by Habermas,[22] are powerful devices for confirming and reproducing an ordered structure of society. Similarly, other spatiotemporal arrangements, such as residential zoning, should be considered as part of a normative order in that they instantiate normative assumptions and concur to their confirmation and preservation.[23]

Protocols, procedures, and other types of formalized instruction. These provide direct guidance for social action through the precise definition and operationalization of concrete ways of doing. Examples of these are

---

[21]See in particular Émile Durkheim, *Les formes élémentaires de la vie religieuse* [1912] (Paris: Presses Universitaires de France, 1994).

[22]Jürgen Habermas, *The Theory of Communicative Action, vol. 2* (Boston: Beacon Press, 1987).

[23]For an example of how zoning operates as a powerful normative factor, see Elizabeth Anderson, *The Imperative of Integration* (Princeton: Princeton University Press, 2010).

the protocols disciplining citizen juries, or the rules for debate and voting within a public body. At a more tacit level, one may consider etiquette,[24] forms of turn-taking in conversation, and other ways of organizing and structuring the social space normatively. Ethnomethodology has provided a particularly detailed account of the concrete functioning of these and other procedural devices in the functioning of constitutive social orders.[25]

Values and expectations. These translate social normative orders into embodied orientations toward action. Along with norms and institutions, they constitute the traditional core of normative theory seen from the perspective of normative agents.

Behavioral and perceptual habits. The role of habits in the development of, adoption of, and adherence to norms is largely ignored across the spectrum of normative theory. Yet, as the critical sociology and pragmatism of Bourdieu, among others, have emphasized, habits as embodied generalizations and decisive chains for the articulation between normative orders and individual action have a central and inescapable function in the coordination of social life.[26] Habits are forms of embodied guidance through which a form of social ordering is preserved in time, as they organize and preserve established ways of doing, structuring the social space, and creating patterns of mutual expectations. In the past decade, the factors included in this last category have begun to receive much more sustained attention, thanks in particular to studies that explore the tacit dimension of racial, gender, and other forms of discrimination.

Vocabularies and metaphors. Similarly to habits, although operating in distinct ways, vocabularies and metaphors are vehicles through which established ways of doing and seeing are maintained across space and

---

[24]The normative function of "manners" has been studied notably by Norbert Elias. See in particular *The History of Manners* (*The Civilizing Process, vol. 1*) (New York: Pantheon, 1982).

[25]The study of juridical social practice has been at the heart of ethnomethodological concerns since the founding of this discipline. See, for example, Harold Garfinkel, *Studies in Ethnomethodology* (Englewood Cliffs: Prentice-Hall, 1967), and *Ethnomethodology's Program: Working Out Durkheim's Aphorism* (Lanham, Md.: Rowman & Littlefield, 2002); Max Travers and John F. Manzo, *Law in Action: Ethnomethodological and Conversation Analytic Approaches to Law* (Farnham: Ashgate, 1997); Baudouin Dupret, *Adjudication in Action: An Ethnomethodology of Law, Morality and Justice* (Farnham: Ashgate, 2011).

[26]The reference text is John Dewey, *Human Nature and Conduct* (*The Middle Works, 1899-1924, vol. 14: 1922*) (Carbondale: Southern Illinois University Press, 1983). For contemporary accounts that emphasize the role of habits in conduct, see Shannon Sullivan, "Reconfiguring Gender with John Dewey: Habit, Bodies, and Cultural Change," *Hypatia* 15, no. 1 (2000): 23-42; and Simon Lumsden, "Habit, Reason, and the Limits of Normativity," *Substance* 37 (2008): 188-206.

time, as has been shown by studies by George Lakoff and others on the political function of metaphors,[27] and as it is implied in Richard Rorty's philosophy of language and mind.

Artifacts and monuments. Monuments and other embodied symbols like war cemeteries constitute another element of normative orders with their capacity to embody and keep alive meaning related to the importance and validity of specific normative traits such as cultural identity, political values, and other public meanings that constitute the shared background of a given human community.

All these elements concur in different ways and through a convergent effort to the maintenance and furtherance of social life, all being equally involved in it, although with each one providing its own distinctive contribution. They emphasize the tacit dimension that characterizes normative orders. Each of them contributes in its own distinctive way to the legitimacy or illegitimacy, justice or injustice of the society in which we live. Each of them can be part of a system of oppression as well as of a strategy of emancipation, and for this reason they should be the object of a unified and systematic reflection. In addition, we should expect that different types of normative practices will be required to address ourselves efficaciously to one or another relevant dimension of a normative order. Normative orders, in fact, although coming in "corporate bodies," are generally not addressed all at once, given their complexity and pervasiveness. Nor should we think that addressing them theoretically, such as through procedures of radical critique or foundational justification, would enable us to do so. The examination of social life shows us that normative orders are not homogeneous; several lines of discontinuity fracture them in different composing factors.

5. The Nature of Normative Practices

Taking stock of these theoretical contributions, in this section I will introduce some analytical categories to describe normative practices. As I conceive them, normative practices are the concrete ways of doing and saying through which questions of normative regulation are raised and settled. The notion of normative practices is a necessary complement to that of normative orders: if normative orders are the heterogeneous mangles that produce and reproduce the constitutive order of society, and if their functionings proceed through a plurality of chains of transmission such as beliefs, habits, forms of coercion, and steering orientations, it

---

[27]See, for example, George Lakoff and Mark Johnson, *Metaphors We Live By* (Chicago: University of Chicago Press, 1981).

follows that our engagements with them will have to be equally multi-dimensional.

Therefore, the notion of normative practices encompasses the plurality of heterogeneous ways of doing and saying by which normative orders can be made the object of an intentional transformation. It aims at describing normativity from the side of those who are subjected to normative orders. As I have explained above, for the purposes of normative theory, the notion of normative practice should be conceived as implying an element of active engagement: to be normative in the sense here intended, a practice should be consciously oriented toward the production of some expected change within a normative order. In a sense that appears clearly from the pragmatist as well as the ethnomethodological perspectives, agents engage in normative practices when a normative order becomes dysfunctional, producing conflicts or troubling consequences in the domain of action, or for the sake of preventing dysfunctions from emerging.

To articulate this view, I will make use of a conceptual distinction introduced by Theodore Schatzki. Schatzki distinguishes two meanings of practice: "integrative practices" and "dispersed practices."[28] As I will show in a moment, this distinction helps us explain that each social practice has normative properties, while at the same time distinguishing different relations to the normative. With the term *integrative practices*, Schatzki means any organized set of actions and speeches teleologically oriented. Any social practice can be said to be integrative, since every social practice can be seen as an organized nexus of heterogeneous activities oriented to the pursuit of particular purposes. A cooking technique, a religious rite, or a political system exemplify this concept. The reference to the teleological orientation of social practices introduces the normative as a basic ingredient of the very concept of social practice. At the same time, forms of political contestation, political regimes, legal systems, and social media have a more specific relation to normativity in that their social function consists in taking care of the normative order of a society. To avoid defining recursively practice by practice, we can say that the added value of a practice-based social analysis depends upon its capacity to let us see an institutional setting from the perspective of its way of functioning. In this sense, a religion can be understood as a practice if we conceive of it in terms of the activities and rituals that specify it, rather than in terms of its metaphysical outlook. Similarly, a political

---

[28]See in particular Theodore R. Schatzki, *Social Practices: A Wittgensteinian Approach to Human Activity and the Social* (Cambridge: Cambridge University Press, 1996), and *The Site of the Social* (University Park: The Pennsylvania State University Press, 2002).

regime can be said to be a practice to mark the way it is embodied in procedures, ways of doing, rituals, specific ethos, everyday habits, and so on. By the term *dispersed practices*, Schatzki intends to refer to units of action that are considerably simpler and smaller, units that center around a single type of action, and that can be found reiterated in a plurality of sectors of social life. As examples of dispersed practices, Schatzki cites describing, ordering, questioning, examining, and referring. Here again we can identify dispersed practices that have a more direct normative bearing, such as the dispersed practices of critique and justification. Schatzki observes that dispersed practices lack a teleonomic structure,[29] which means that they have no intrinsic purposes but tend rather to be subservient to the purposes embedded in the integrative practices in which they are mobilized.

These definitions are general, and apply therefore to normative practices as well as to any other type of social practice, helping us to distinguish two senses of normative practice. They provide a promising starting point for undertaking empirical as well as conceptual analyses of normative practices in a variety of different social contexts. They enable us to define normative practices in a way that is independent from the historically and socially determined forms that normativity has assumed in modern Western societies. As indicated above, the expression "normative practice" can be used to single out social practices—integrative and dispersed—whose distinguishing trait is that of having a privileged role in the management of normative orders. For example, it could be used to identify and analyze a practice of dispute resolution in a society without a formalized system of law through the same methodology we employ to study the more organized forms of dispute resolution to be found in the specialized subsystems of law and politics of modern societies. Similarly, social movements as well as new forms of transnational governance are examples of integrative normative practices. An integrative normative practice denotes a structured system of actions and discourses having a normative orientation, characterized by its own rules and procedures for advancing and accepting normative claims, its own epistemological requisites of validity, its own defined social roles, its own repertoire of normative sources, its own conception of objectivity, and so on. Normative practice in this sense refers to the vast domain of diverse social practices constituting the public sphere, from the more structured and institutionalized political and legal activities to the less defined practices of social movements and collective participation. Analogously, Schatzki's definition of dispersed practices is helpful in identifying much smaller

---

[29]For an analysis of practices as having a teleonomic structure, see also Alasdair MacIntyre, *After Virtue* (Notre Dame: University of Notre Dame Press, 1981).

units of action whose pattern may recur across integrative normative practices that are distant in space and time. Justification and critique are normative practices in this second sense: I assume that wherever social actors need to coordinate forms of social life, disputes about normative orders arise, so that actors must engage in practices for the adjustment and repair of these orders, practices that aim at conserving, modifying, suppressing, or instituting new normative orders. The identification of a practice as being integrative or dispersed is a function of the needs of inquiry. In this sense, dispersed and integrative normative practices are not natural kinds. To give an example, one may consider social movements and forms of social protest such as the Occupy Wall Street movement or the Indignados as being integrative normative practices. On this perspective, we may see critique, justification, and similar practices as the normative dispersed practices that are mobilized within the broader contexts of social movements. But one can also consider them as instantiations of patterns of social protest and therefore as distinct types of dispersed practices in the same way that Charles Tilly, Sidney Tarrow, and others describe the historical evolution of the repertoires of political contentions.[30] For example, Tarrow sees in the practice of building barricades, filing a petition, burning tax registers, setting up a demonstration, and so on, paradigmatic forms of modular repertoires of action that "could be mounted in a variety of sites, on behalf of a variety of goals, and against a variety of targets."[31] These practices are "dispersed" in the sense made clear by Schatzki, but lack—at least in the analyses produced by this school—any sustained concern for the normative dimension. What is repeated through space and time are only the technical strategies of contention. This same approach can, however, be extended to epistemic and normative practices such as justification, critique, proposal, and so on, and it is in this sense that we can see them as normative dispersed practices.

Among a rich variety of normative dispersed practices, justification and critique have so far received the most sustained attention because they are the most visible, those that come first to mind because of their higher degree of formalization. Here I want to provide a first minimal definition of these types of dispersed normative practices before proceeding to discuss some contemporary proposals for enlarging this list. *Justification* is the normative practice through which a norm, belief, or insti-

---

[30]See in particular Charles Tilly, *Popular Contention in Great Britain, 1758-1834* (Cambridge, Mass.: Harvard University Press, 1995), and *Regimes and Repertoires* (Chicago: University of Chicago Press, Chicago, 2006); Sidney G. Tarrow, *Power in Movement: Social Movements and Contentious Politics*, 3rd ed. (Cambridge: Cambridge University Press, 2011); and Charles Tilly and Sidney Tarrow, *Contentious Politics* (Boulder: Paradigm, 2007).

[31]Tarrow, *Power in Movement*, p. 60.

tution is legitimated. As a normative practice, justification is connected with the aim of legitimation. To justify means to endow something that is open to dispute with legitimacy. We see this especially in philosophical practice, where the meaning of justification is tied to its legitimating power. *Critique* is the normative practice through which a norm, belief, or institution is put into question, challenged, and eventually revised. Critique differs from justification first of all because of its distinctive aim. Critique is the tool of complaint and protest. It is not aimed directly at legitimation and for this reason is often enacted in the first person, whereas justification is often formulated in the third person and is more institutional in style. In addition, critique presupposes the existence of a legitimate and legitimating normative order that provides the reference for the practice of critique. To these practices we may add that of *proposal*, or institutionalization, which is the normative practice through which the making of a new normative institution or the improvement of an existing one is explicitly addressed. What is dominant in proposal is the prospective and constructive attitude toward a normative order. Practices of institutionalization proceed hypothetically and fallibly, are more consequence-oriented and less concerned both with the justificatory search for legitimacy and with the critical orientation toward existing normative orders. Their orientation, at least according to a certain interpretation, is, or should be, prospective, hypothetical, and fallible.

Being dispersed normative practices, they are to be found in a wide variety of normative practices, such as in social movements, local committees, public forums, organizational meetings, political as well as juridical institutions. According to this view, a normative account of critique, justification, and the other normative practices should take all these dispersed uses into account, by exploring the nature of normative sources that can legitimately be used in these contexts, and the epistemic constraints appropriate in each case. In addition, other normative practices, not reducible to critique, justification, and proposal also circulate in the social space, playing a central role in addressing existing normative orders. A practice-based approach to normativity should chart this vast domain and describe it as part of our rich repertoire of strategies for engaging normative orders. With reference to the political domain, one has only to think of what Rawls termed declaration, conjecture, and witnessing in his timid effort to identify and describe types of normative practices that exceeded justificatory public reason while remaining compatible with it.[32] But one can think also of other normative practices, such as greeting, rhetoric, and narrative, in the sense meant by Iris Marion

---

[32] See John Rawls, "The Idea of Public Reason Revisited," *University of Chicago Law Review* 64 (1997): 765-807.

Young (see section 7 below), or such as testifying as the term is used in the ethnomethodological literature. All these practices vary widely not only between one culture and another, but also within a given culture, as well as from one normative integrative practice to another. To give just one example, the constraints that define the acceptability of a source of evidence for an article of investigative journalism may differ significantly from the kind of source of evidence that is acceptable within a political debate or a judicial litigation. These differences concern notably the sources of evidence that can be invoked within a given normative practice: what people think, the feeling of the majority, data from social surveys, "reasons that all can accept," what has been done in other countries, supposedly noncontroversial values, the content of a political constitution, and so on. These are all different types of social sources of normativity, whose legitimacy varies from practice to practice. The epistemological conditions governing the acceptance of a source as a legitimate basis for evidence also appear to vary; that is, the conditions of objectivity that govern each practice, in both senses of practice that I have just described, are context-dependent in a way that the normative theory of practices is called to explain. A practice-based account of normativity provides a promising starting point for assessing the rationality potential and the legitimating power of these practices, as it does not assume any a priori, ideal understanding of the rational dimension of normativity.

6. Account-Giving and Performing Normative Practices

An important consequence of this understanding of normative order as heterogeneous mangles is that while preserving the epistemic content of normativity, we should resist a straightforward identification of normativity with discursive, rational, argumentative practices of critique and justification. In other words, we should avoid reducing normative practices to *discursive* practices. Indeed, normative practices denote a far broader domain of human activities than the merely discursive. Acknowledging this form of continuity is important not only at the general level of practice theory, but more specifically for political purposes, not only because most of the ordinary forms of political engagement often lack this discursive dimension, but also because, as feminism, critical race theory, and subaltern study have compellingly shown, imposing too stringent requirements on forms of political participation conduces to excluding several oppressed groups from political participation. This admission should not, however, lead us to postulate an irreconcilable distance between rationality and normativity, an idea that lurks at the background of many theoretical projects that reject the epistemic auton-

omy of the normative. To avoid both these shortcomings, I introduce a distinction between what I will call "account-giving" and "non-account-giving" or "performing" normative practices.

Viewing normativity from the standpoint here defended does not imply underplaying rationality as a central factor in the functioning of normative orders, but rather emphasizing its situated way of operating. To avoid severing normativity from rationality while adopting a practice-based view of normativity, a broadened view of rationality is required. Such a view can be found, for example, in the pragmatist tradition, in the idea of rationality as inquiry.[33] Understanding political rationality through the epistemological paradigm of inquiry—rather than, say, through the paradigms of rationality versus reasonableness or instrumental versus communicative rationality—has three advantages. The first is that it helps explain what we may call our "duty of accountability" without falling back on an idealistic top-down understanding of rationality. The second is that it shows that critique and justification may be seen as the final phases of a far more complex process of collective inquiry, phases that often follow extensive engagements with normative practices aiming at diagnosing and changing the situation. A further advantage granted by the above-mentioned distinction is that it avoids reducing deliberation to consensus: indeed it enables us to reconcile the acknowledgment of the emancipatory function of social conflict—which expresses itself mainly through performing normative practices—with the duty of accountability that grants democratic legitimacy and that presupposes in turn the existence of account-giving normative practices.

This point can be made more precisely by indicating that social practices encompass a variety of orders of engagement,[34] so that the same persons in different times and contexts may shift from an order of engagement that is, for example, that of "protest" or "manifestation," to an order of engagement that is that of "justification." Similarly, we can imagine that different actors may enact one or another order in different contexts

---

[33]Taken in its broadest meaning, this idea is found not only in the classical texts of C.S. Peirce and John Dewey, but also in contemporary works inspired by that tradition. Paradigmatic examples are James Bohman, "Democracy as Inquiry, Inquiry as Democratic: Pragmatism, Social Science, and the Cognitive Division of Labor," *American Journal of Political Science* 43 (1999): 590-607; Elizabeth Anderson, "The Epistemology of Democracy," *Episteme* 1 (2006): 8-22; Charles Sabel, "Dewey, Democracy, and Democratic Experimentalism," *Contemporary Pragmatism* 9, no. 2 (2012); Michael C. Dorf and Charles F. Sabel, "A Constitution of Democratic Experimentalism," *Columbia Law Review* 98 (1998): 267-473.

[34]See Laurent Thévenot, "Pragmatic Regimes Governing the Engagement with the World," in Theodore R. Schatzki, Karin Knorr Cetina, and Eike von Savigny (eds.), *The Practice Turn in Contemporary Theory* (New York: Routledge, 2001), chap. 4.

and situations, according to the idea of a division of normative labor. In
that way, the fulfillment of the duty of accountability can be spatio-
temporally as well as functionally separated from the enactment of the
normative practice to which it refers. We can read in this sense, for ex-
ample, Nancy Fraser's claim that the task of a critical theory is to evalu-
ate the claims advanced by social movements from a social-theoretic and
a moral-political perspective.[35] From the perspective of rationality as
inquiry, all these phases belong to the same distributed and spatio-
temporally extended process of public inquiry, so that the lack of ac-
countability at one stage can be fulfilled at another.

Introducing a duty of accountability within normative practices may,
however, raise the legitimate suspicion of over-intellectualizing ordinary
normative practices and imposing on them an epistemic burden they can-
not sustain. It is to avoid this risk that I introduce the distinction between
account-giving normative practices and non-account-giving or perform-
ing normative practices. This distinction, as will appear in a moment, is
not introduced with the taxonomical aim of differentiating types of prac-
tices as if they were natural kinds to be found out there, in social reality,
but rather in order to identify functional moments that may be present in
the same social practice, but at some social, temporal, or spatial distance.
An *account-giving* normative practice is a normative practice that pro-
vides a rationale for intervening on a normative order, whereas a *per-
forming* (non-account-giving) normative practice is a normative practice
that chiefly addresses a normative order having in view its transfor-
mation. Although most if not all account-giving normative practices are
also performing, not all performing normative practices are also account-
giving. This means that there are normative practices whose legitimacy
cannot and should not be expected to rely on their capacity to provide an
account of themselves. It is indeed a fact of evidence that many norma-
tive practices engage normative orders in ways that neither imply nor
require an explicit account of the normative contention they are advanc-
ing. They seek to produce a normative result by ways that are different
from an exchange of reason, as many forms of popular protest show.
Account-giving normative practices generally conflate two distinct ends.
On the one hand, as for any other normative practice, they aim at produc-
ing an impact on a normative order, generally intervening at the level of
its explicit constituents. On the other hand, account-giving normative
practices may have a functional role in fulfilling the duty of the account-
ability of performing but non-account-giving normative practices. Per-
forming normative practices can therefore become the object of account-

---

[35]Nancy Fraser and Axel Honneth, *Redistribution or Recognition? A Political-
Philosophical Exchange* (London: Verso, 2003), chap. 1.

giving normative practices when a clarification is needed about their potential impact on a given normative order. As we have seen, justification and critique as dispersed normative practices have no teleological structure, and therefore they can be employed within other social practices (normative or otherwise).

Normative practices are defined by their overall goal, which is to intervene upon a given normative order with a specific normative aim, which may be its preservation, transformation, destitution, or institution. To attain this goal, however, normative practices operate with diverse *ends in view*. They can directly engage a part of a normative order to modify it by providing compelling reasons for it. This happens mostly through account-giving normative practices, by which the sought transformation is pursued through the exchange of reasons. This happens mostly in practices of justification and criticism. Other normative practices, however, may be more appropriate when the resistance to change of a given normative order also involves its tacit dimension. In these cases, indirect strategies may prove more effective, such as changing the public sensibility, modifying the way people and situations are perceived, or introducing new categories or new vocabularies to describe some of the social relations that are ruled by a normative order. Non-account-giving normative practices are therefore no less important than account-giving ones. But performing normative practices are also important because they play a decisive role in making social problems visible, and in constituting what John Dewey calls a "public." To give an example, if we consider the forms of protest that characterized the first phases of Occupy Wall Street, we can see how a new awareness of a social injustice has been fostered by the insistence on "we represent the 99%." Occupying a public place in front of a symbolic entity like the Wall Street Bull or the Federal Reserve headquarters constitutes a normative practice that has had a tremendous impact on the collective perception of social problems. In that sense, it is not a mere outburst of social impulses in need of external justification. Justification and protest are reciprocally determined as different moments of a larger and spatiotemporally more complex normative practice. On the one hand, protest, as for any other performing practice, has to comply with a duty of justification. On the other hand, the main end of a performing practice is to address a given normative order, in that case by changing our shared perception of the nature of the social problems, how they are to be addressed, and the solutions to be implemented.

7. The Normative Practices of Public Reason

One may consider that by introducing the concept of normative practices I have merely mapped rather uncontroversial philosophical claims, so that the effective contribution of this innovation to normative theory is modest. In this section, I intend to provide some evidence that this is not the case, and that to see normativity as the dynamic interplay between normative practices and normative orders can radically change our understanding of normativity. To prove my point, I propose an interpretation of two well-known theoretical proposals for enlarging the domain of public reason as preliminary or anticipatory attempts at conceiving the domain of normativity through the category of practice. This examination is by no means exhaustive, and is merely an illustration. Further inquiries will have to provide a much more developed analysis of the different normative practices that characterize the public sphere.

I will begin with Rawls's description of declaration, conjecture, and witnessing[36] as an attempt to expand the range of normative practices beyond a restricted understanding of justification. Although Rawls's attempt is insufficient, it provides an instructive starting point. Declaration, conjecture, and witnessing are the discursive forms through which Rawls provides a discursive space where comprehensive beliefs can be used in ways that do not undermine public reason. According to Rawls, *declaration* is used to express to others our own comprehensive views, whether secular or not.[37] The aim of declaration is not to persuade others that our comprehensive doctrine is correct or that they ought to accept it. According to Rawls, it is a pre-public form of discourse because it is oriented towards the fulfillment of the goals that have been set by public reason: it aims at showing others the way in which we arrive at a public political conception of justice that others share with us, in spite of the fact that they do not share our comprehensive doctrine. Symmetrically, *conjecture* is an argument that an agent develops from the perspective of the comprehensive doctrines of another. Its aim is to persuade our fellow citizen, showing her that she can find within her own comprehensive doctrine

---

[36]Rawls, "The Idea of Public Reason Revisited," pp. 786-87. For an examination of declaration, conjecture, and witnessing as normative practices, see Roberto Frega, "A Pragmatist Critique of Liberal Epistemology: Towards a Practice-Based Account of Public Reason," *Critical Horizons* 13 (2012): 293-316.

[37]"Here we each declare our own comprehensive doctrine, religious or nonreligious. This we do not expect others to share. Rather, each of us shows how, from our own doctrines, we can and do endorse a reasonable public political conception of justice with its principles and ideals. The aim of doing this is to declare to others who affirm different comprehensive doctrines that we also each endorse a reasonable political conception belonging to the family of reasonable such conceptions." Rawls, "The Idea of Public Reason Revisited," p. 786.

valid reasons for supporting the outcome of public reason. In conjecture, "we argue from what we believe, or conjecture, are other people's basic doctrines, religious or secular, and try to show them that, despite what they might think, they can still endorse a reasonable political conception that can provide a basis for public reasons."[38] Conjecture is again a pre-political form of discursive practice, as it operates outside public reason and in order to support it; it aims at reaching the goals set by public reason and yet it does not belong to it. Finally, *witnessing* is a more expressive practice through which agents "express their principled dissent from existing institutions, policies, or enacted legislation" while at the same time accepting the decisions that come from public reason.[39] These forms of reasoning are characterized by the fact that they are totally dependent upon public reason: they are ancillary argumentative supports whose legitimacy depends entirely upon their capacity to sustain arguments that have been established independently by public reason. They have no independent standing, no legitimate conclusions of their own.

Even enlarged by these normative practices, the space of normativity remains for Rawls confined to the discursive normative practice of justification. To expand the range of normative theory, we must therefore look outside the domain of political liberalism to thinkers that do not subscribe to the justificatory turn. A first attempt at extending the list of the normative practices of the public sphere has been accomplished by Iris Marion Young, as she has notably challenged the liberal paradigm and proposed enlarging the scope of normativity by including a range of normative practices that under no circumstances may be included in the liberal political account of public reason, not even after Rawls's efforts at enlarging it. These are the normative practices of greeting, rhetoric, and narrative. Young has focused on these three expressive forms, which, according to her, should be included in our understanding of public reason. *Greeting* refers to verbal acts through which recognition of the other takes place. *Rhetoric* refers to the affective dimension of discourse and to nonverbal forms of expression aimed at producing a persuasive effect inside the political arena. *Narrative* refers to biographical forms of expression through which individuals and groups make their experience a public concern.[40] These expressive forms are the normative constituents

---

[38]Ibid.

[39]Ibid., p. 787 n. 57.

[40]"Greeting, or in political contexts public acknowledgement, is a form of communication where a subject directly recognizes the subjectivity of others, thereby fostering trust. Rhetoric, the ways that political assertions and arguments are expressed, has several functions that contribute to inclusive and persuasive political communication, including calling attention to points and situating speakers and audience in relation to one another. Narrative also has several functions that counter exclusive tendencies and further argu-

of Young's theory of inclusive deliberative democracy, and as such are constitutive of her idea of public reason.[41] Young interprets these three practices as forms of communication that should foster political inclusion, and this risks downplaying their normative potential, reducing them to merely tactical moves. Yet, by emphasizing the continuity between these forms understood as types of political action and the same forms as taking place within ordinary experience, she underlines their inscription in a wider understanding of the normative basis of social life, and more precisely of the public sphere. I suggest therefore that we need to see them as part of a larger picture, as normative practices by which agents may challenge that part of a normative order that keeps them in a state of minority. To do this, we need to generalize their reach, seeing them as broader normative practices rather than as communicative strategies aimed at obtaining recognition within the political sphere. Indeed, the aims of a theory of normativity are larger than those of a theory of "communicative democracy."[42] For this reason, accommodating Young's communicative strategy within a theory of normative practices would require a substantial reworking aimed not only at generalizing their reach, but also, and foremost, at making more explicit their expected effect upon normative orders.

Conclusion

If we accept the general traits of this still-incomplete account of the normative creature, we can find a way out of some of the recent difficulties in moral and political philosophy. As I have indicated, a pragmatic approach based upon a widened understanding of normativity can provide theoretically fruitful tools for setting up a new agenda for political philosophy. This approach, as I have indicated, fosters an understanding of normativity that: (a) privileges the social over the individual as the primary source of normativity (society-centered approach); (b) acknowledges the normatively binding force of practices (practice-based approach); (c) relies on empirical evidence to explain the functioning of normative practices in ways much more sustained than have been

---

ment. Among other functions, narrative empowers relatively disfranchised groups to assert themselves publicly; it also offers means by which people whose experiences and beliefs differ so much that they do not share enough premises to engage in fruitful debate can nevertheless reach dialogical understanding." Iris MarionYoung, *Inclusion and Democracy* (Oxford: Oxford University Press, 2000), p. 53.

[41]Young, *Inclusion and Democracy*, pp. 17-18. See ibid., chap. 2, passim, and Frega, *Practice, Judgment, and the Challenge of Moral and Political Disagreement*, chap. 4, for a commentary.

[42]Young, *Inclusion and Democracy*, p. 62.

achieved so far (multidisciplinary approach).

In this article, I have outlined the five conceptual traits that mark the practice-based and society-centered approaches. The first is the focus on the interplay of norms and actions, which provides the methodological and conceptual framework for a multidisciplinary approach engaging human and social sciences and philosophy on a nonreductionist basis. The second is the adoption of the perspective of the situated agent in normative theory, which is necessary to overcome the shortcomings of reductive (individualistic) accounts. The third is the definition of normative practices through reference to their regulative function in the dynamic interplay of agents with environments. The fourth is that norms and values are defined in accordance with a fallibilistic and experimental epistemology. The fifth is the priority assigned to empirical over conceptual analysis and to the history of social processes over the history of ideas in processes of critique and justification.

All these assumptions, which will have to be worked out in greater detail, point toward an understanding of normativity that is consistent with our grasp of ourselves as normative creatures and that satisfies the epistemic requirements of a theory of normativity.[43]

CEMS/IMM (CNRS), Paris
fregarob@gmail.com